



CITY OF MESA

CIVIL RIGHTS TITLE VI IMPLEMENTATION PLAN

August 1, 2021

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TITLE VI POLICY STATEMENT AND NOTIFICATION

Policy Statement

The City of Mesa (City) operates without regard to race, color, national origin, income status, sex, age or disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations, including Title II of the Americans with Disabilities Act. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin. The City strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. To help ensure access to City programs, services and activities, the City will provide translations, will reasonably modify policies and procedures and will provide auxiliary aids or alternative formats to persons with disabilities.

As a subrecipient of federal funding, the City is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by the U.S. Department of Justice per 28 Code of Federal Regulations (CFR) § 42.401 *et seq.* and 28 CFR § 50.3.

Should the City distribute Federal-aid funds to another entity/person, the City will ensure all subrecipients fully comply with the City's Title VI Nondiscrimination Program requirements. The City Manager has delegated the authority to Andrea Alicoate, Title VI Program Coordinator, to oversee and implement Title VI requirements.

(See Appendix A for signed policy).

Notification

Notice to the public, notifying their protection under Title VI, has been posted on the City of Mesa's website and will be posting in all City of Mesa public buildings in both English and Spanish.

(See Appendix B).

CITY OF MESA TITLE VI ASSURANCES



City of Mesa Title VI Assurances

The **City of Mesa** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

Statutory/Regulatory Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statutes)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of finding source:

*"The **City of Mesa**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transference for the longer of the following periods:

a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

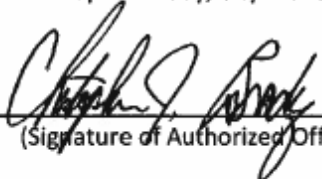
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Mesa also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration or Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration or Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Arizona Department of Transportation*, or its designee in timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Mesa gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the *U.S. Department of Transportation* under the *Federal Highway Administration and Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program* the person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Mesa

Christopher Brady, City Manager

by 
(Signature of Authorized Official)

DATED 7/14/21

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. *Department of Transportation, Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, *the Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, *the Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, *the Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

A

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Mesa will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code the Regulations for the Administration of *Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation ,Federal Highway Administration and the U.S. Department of Transportation* in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Mesa all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Mesa and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Mesa, its successors and assigns.

The City of Mesa, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the City of Mesa will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.

B

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Mesa pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Mesa will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Mesa will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Mesa and its assigns*.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

C

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Mesa pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City of Mesa will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Mesa will there upon revert to and vest in and become the absolute property of the City of Mesa and its assigns. *

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

D

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

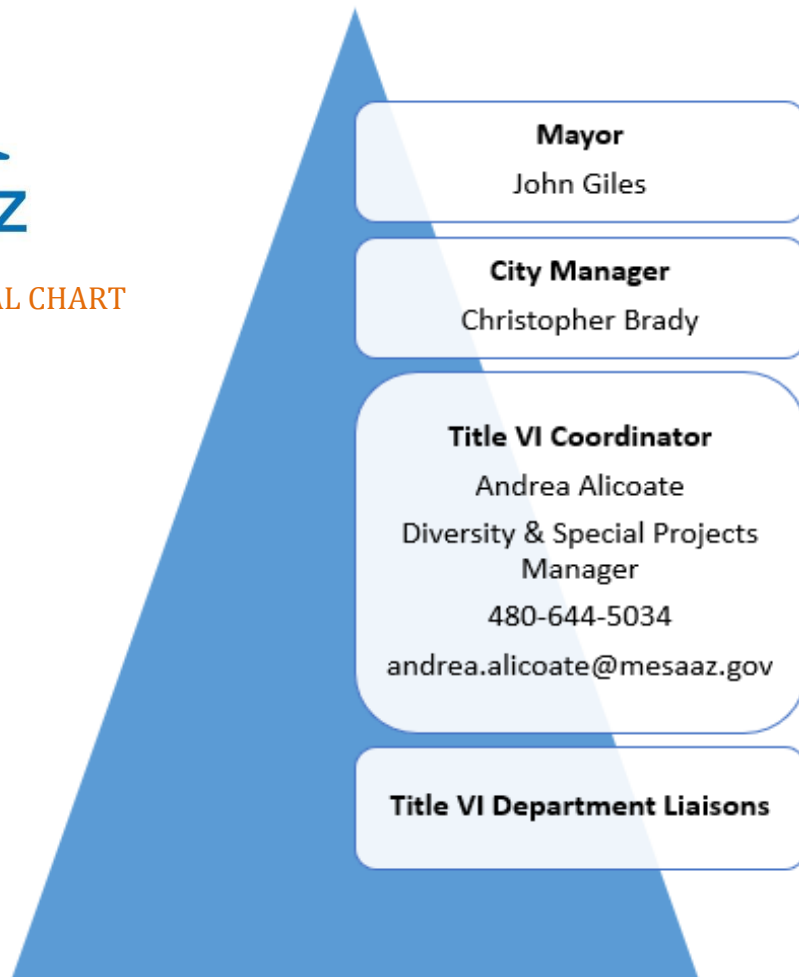
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 *et seq.*).

E

ORGANIZATION CHART & STAFF RESPONSIBILITIES



TITLE VI ORGANIZATIONAL CHART



Title VI Coordinator Responsibilities

City Title VI Coordinator is responsible for ensuring the implementation of the Title VI Plan. The Title VI Coordinator is responsible for managing staff on the implementation, monitoring, and ensuring the City's compliance with the Title VI regulations. The Title VI Coordinator is also responsible for complaint investigations, staff training, on-going education, program development, and any Civil Rights communication throughout the City or to monitoring agencies.

Title VI Department Liaisons Responsibilities

Title VI Department Liaisons are responsible for ensuring the implementation of the Title VI Plan within each area and disseminating information provided by the Title VI Coordinator. In addition, department liaisons are responsible for reporting the following to Title VI staff:

- Ensuring all City contract documents contain the appropriate Title VI provisions.
- Reporting when Title VI complaints are received, or issues arise.
- Ensure that all people are treated equitably regardless of race, color, national origin, or limited English proficiency.
- Up internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.
- Ensure all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements are accomplished without discrimination based on race, color, national origin or limited English proficiency.
- Ensure internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference.
- Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

ADMINISTRATION

Title VI Employee Training

The Title VI Coordinator will train Title VI Liaisons and other employees on Title VI compliance. The training will provide information on Title VI provisions and operations and identify Title VI issues and resolutions of complaints. Training will include the collection of participation data from encounters at departments, events and programs, surveys, or complaints.

Internal training is addressed in three different areas or staff groups. Past training has included topics such as methods for identifying and eliminating complaints of discrimination, understanding, and applying Title VI regulations and identifying elements of Title VI compliance within program areas.

1. Director and Executive Management: This training occurs annually at Executive Management Agenda Review meetings and functions as part of educating and debriefing on ongoing program implementation. The training portion is high-level and is tailored to achieving approval for program needs.
2. Federal Program Area Staff: This training occurs annually in-person and/or virtually at staff meetings. Training for targeted staff focuses on the major challenges and special emphasis areas in each of the federal program areas. It will highlight the challenges that require coordination between federal program areas. Additional training for Special Emphasis Areas such as public involvement and outreach will be encouraged.
3. Title VI Liaison Staff: This training occurs as needed in-person and/or virtually held meetings. This may include trainings opportunities provided in alternative formats such as online learning or webinars. This training is intended to be a trickle-down approach for dissemination to staff under the liaisons.

Title VI Information Dissemination

Title VI information posters, including the name of the Title VI Coordinator and contact information, will be prominently and publicly displayed. Additional information relating to Title VI obligation can be obtained from the City's Title VI Coordinator. Title VI information shall be disseminated to employees quarterly via the Title VI Department Liaisons and supported on the Title VI SharePoint Site. All Title VI information is provided to the public on the City's civil rights page at <http://mesaaz.gov/residents/diversity-office/city-of-mesa-title-vi-notice-to-the-public>.

Additionally, FHWA Title VI information is available to the public in person at the Mesa City Plaza, 20 E. Main St., Mesa 85201 or Mesa Transportation Office, 300 E. 6th St, Mesa 85201.

Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, copies of Title VI complaints and related documentation, and records of correspondence to and from complainants, and Title VI investigations. All documentation will be retained for four years in accordance with record retention policies.

Annual Report

An 'Annual Goals & Accomplishments' report will be required to be compiled annually. The Title VI Coordinator will be responsible for this report, and it will be submitted to Arizona Department of Transportation (ADOT) Civil Rights Office by August 1st each year or date otherwise approved by ADOT. This report will review the Title VI accomplishments during the year and goals for the next year.

Title VI Plan Updates

The Title VI Plan will be updated annually and will be submitted by the Title VI Coordinator to ADOT. If significant changes are made, a copy of Title VI Plan will be submitted to the ADOT as soon as the update has been completed, or as soon as practicable.

INTERNAL & EXTERNAL PROGRAM REVIEWS

Title VI Complaints

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, or national origin, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

All FHWA Title VI complaints will be referred to ADOT for processing. See Appendix C for 'FHWA Complaint Procedures'.

Monitoring Contracts and Vendors

Title VI Program information will be disseminated to contractors and beneficiaries through inclusion of Title VI language in contracts. All contractors, subcontractors, and vendors who receive payments from the City of Mesa are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract. To ensure the correct language is used, the program area will be required to document use of correct language for each contract on a Title VI Assessments Checklist (in development) that is provided to Title VI staff through quarterly reporting. The Title VI Coordinator will also conduct a random review of 20% of the contracts every quarter.

In addition, Title VI training will be available to contractors and sub-contractors where required or requested by program area staff. In the event that a discrimination complaint is received regarding a City of Mesa sub-recipient, the complaint will be forwarded to ADOT for processing.

Data Collection

An effective monitoring program for internal areas also includes data collection and analysis. The analysis and monitoring of this data is critical in determining whether negative impacts/burdens are disproportionately impacting protected populations, and in ensuring the City's services, projects, and programs are being administered without discrimination. It is important to maintain an objective information gathering process. The data collected should directly correlate with decisions made and support the processes and procedures employed within the City. Data may also be gathered from various resources including the U.S. Census bureau, school districts, religious and/or community organizations, as well as data provided from state and county governments. The Title VI Coordinator will collect statistical data reported from Title VI Department Liaisons through the SharePoint Site as it relates to:

- Statistical data on race and sex of the participants of City programs and services (such as public participation meetings).
- Number of complaints filed each year and the outcomes reached.
- Summary statements (final reports) of compliance reviews.

2021 City of Mesa Title VI Implementation Plan

- Training and technical assistance needed or provided.
- Assessments of community boundaries and population eligible to be served on FHWA funded projects.
- Public involvement techniques implemented.
- Board membership composition of advisory and policy committees.

All statistical data on race and sex of participants in and beneficiaries of City programs impacted citizens and affected communities, will be gathered and maintained by the Title VI Coordinator for four (4) years. Title VI staff will develop and utilize a voluntary 'Title VI Public Involvement Survey' that will be available at all public hearings and meetings. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will inform attendee of the survey and its purpose with a request to complete the voluntary survey.

Once the Title VI data is collected, the data must be analyzed for the purposes of identifying patterns of discrimination. A pattern of discrimination may result from a specific process, procedure, or as the result of a process or procedure being implemented in a discriminatory manner. Types of analysis to address compliance with Title VI include but are not limited to:

- Impact of disparate investments due to race and sex.
- Language needs assessment and strategies to disseminate information.
- Transportation needs of all persons within boundaries of plans or projects.

Special Emphasis Areas

The goal of identifying special emphasis program areas is to ensure sufficient monitoring of high-risk programs and progress tracking for areas where there exists a material deficiency, disparate impact or treatment, or discriminatory practice that requires resolution and reporting. The City of Mesa has identified the following Special Emphasis Areas within its agency and will identify construct means for additional compliance reviews:

- Engineering
- Purchasing Department
- Public Information Office
- Transportation

The Title VI Coordinator will be drafting a plan to conduct reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels. Reviews will be a coordinated effort with program area representatives to ensure equal participation in all their programs and activities at all levels. The comprehensive review will follow the steps set out below:

1. Each special-emphasis area will receive an internal comprehensive review once every three (3) years in which all internal policies and procedures will be reviewed.
2. Sampling of contracts to ensure inclusion of required nondiscrimination provisions.

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3. Sampling of public involvement material including meeting notices, project flyers and other similar documents to ensure LEP requirements are being met.
4. Title VI Coordinator and the program area will work together to create compliance guides, which will include, but not be limited to resources, training, and best practices to achieve compliance.
5. If an area of non-compliance has been identified and a resolution cannot be achieved, a recommendation and findings report which will include corrective measures will be issued to the Director.

Any findings will be used to monitor and report problem areas (trends of discrimination or potential discrimination) and accomplishments (new practices or procedures to address actual or potential discrimination). Additionally, the Title VI Coordinator and the program area will work to ensure compliance with all the aforementioned items by monitoring plans as they are submitted.

Review of Directives

The Title VI Coordinator is responsible for maintaining communication with monitoring agents and ensuring program directives are in coordination with State program officials. Should there be a Title VI implication, the Title VI Coordinator will coordinate a task force of authorities to address the impact and determine a course of action.

The procedure for review of State Directives (in coordination with the major program areas representatives) includes the review of Title VI and related requirements. Examples of compliance with this requirement is the review of contracts and the language therein to ensure that the appropriate nondiscrimination phraseology is included in each contract. Directives and procedures that may be reviewed includes, but are not limited to:

- Procedures for dissemination of information on opportunities of inclusion to bid on contracts.
- Procedures for prequalification of minority contractors and contractor selection.
- Procedure for consultant selection and the monitoring of Title VI compliance.

When the Title VI Coordinator recognizes a failure to meet the requirements of Title VI and/or other related statutes, the respective program area administrator is notified of the deficiency and provided recommendations that will ensure Title VI compliance. Parallel with the previous task, Title VI Coordinator will draft a strategy for review of existing procedures and directives. Additionally, a strategy to review future and updated procedures and directives will be drafted. Inherent to this is to identify key Title VI requirements to guide these review processes.

COMPLAINT PROCEDURES & FORMS

Complaint Procedures

Complaint procedures are made publicly available and appear as the following on the City's website:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin, in programs receiving federal financial assistance.

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been excluded from, denied the benefits of, or subjected to discrimination by the City in relation to any program or activity administered by the City or its sub recipients, consultants, or contractors on the basis of race, color, or national origin, as noted below may file a written complaint with the Title VI Coordinator. If you have any questions regarding this procedure, please contact the Title VI Coordinator, Andrea Alicoate, by calling 480-644-5034 or sending an email request to diversity.info@mesaaz.gov.

Procedure

1. The complaint must meet the following requirements:
 - Complaint shall be in writing and signed by the complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the Complainant and assist the person in converting verbal complaints in writing. All complaints must, however, be signed by the Complainant or his/her representative. The Title VI Complaint Form is available to help meet these requirements.
 - Include the date of the alleged act of discrimination date when the Complainants became aware of the alleged act of discrimination; or the date on which that conduct was discontinued or the latest instance of conduct.
 - Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:
City of Mesa Title VI Coordinator, c/o Andrea Alicoate
PO Box 1466
Mesa, AZ 85211
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, need for additional information, and investigate the complaint, if accepted. All FHWA Title VI complaints will be referred to and investigated by ADOT.
3. A complaint must meet the following criteria for acceptance:
 - The Complaint must be filed within 180 days of the alleged occurrence.
 - The allegation must involve a covered basis such as race, color, or national origin.

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- The allegation must involve a City of Mesa program or activity, as a federal-aid recipient; or its sub-recipient or contractor.
4. A complaint may be dismissed for the following reasons:
 - The Complainant requests the withdrawal of the complaint.
 - The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - The Complainant cannot be located after reasonable attempts.
 5. The Complainant will be provided with a written acknowledgement that the City has either accepted or rejected the complaint. If accepted, complaint will be recorded identifying: Complainant's name, basis, alleged harm, race, color or national origin of the Complainant.
 6. An investigative report will be conducted within 90 calendar days of the accepted complaint by the Title VI Coordinator and Legal Counsel. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
 7. The Title VI Coordinator/Legal Counsel will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
 - In the event the City of Mesa is in noncompliance with the Title VI regulations remedial actions will be listed.
 8. Notice of the determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal. Notices of appeals are as follows:
 - The Title VI Coordinator will reconsider the determination, if new facts, come to light.
 - If Complainant is dissatisfied with the determination and/or resolution set forth by the Title VI Coordinator, the same complaint may be submitted to the appropriate federal agency for investigation. Contact information including agency name, telephone number, address and website, pertaining to the appropriate federal agency will be disclosed.
 9. A copy of the complaint and the Title VI Coordinator's investigation report/letter of finding and Final Remedial Action Plan, if appropriate, will be issued to FTA within 120 days of the receipt of the complaint.
 10. A summary of the complaint and its resolution will be included as part of the City of Mesa's Title VI annual updates.

Note: These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be used for resolution, at any stage of the process.

Complaint Form

In conjunction with the complaint procedures, the complaint form is made publicly available and appear as the following on the City's website:

Thank you for filling out this complaint form. The City of Mesa is committed to ensuring that no person is excluded from participation, denied the benefits of, or subjected to discrimination by the City in relation to any program or activity administered by the City or its sub recipients, consultants, or contractors on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator, Andrea Alicoate, by calling 480-644-5034 or sending an email request to diversity.info@mesaaz.gov.

The completed form may be submitted electronically or returned to:

**City of Mesa Title VI Coordinator, c/o Andrea Alicoate
PO BOX 1466
Mesa, AZ 85211**

SECTION I- Contact Information		
Name:		Telephone:
Address:		
City:	State:	Zip Code:
Email:		
SECTION II- Complainant Information		
Are you filing this complaint on your own behalf? *Yes No		
*If Yes, go to Section III		
If No, please provide the following contact information for the person discriminated against:		
Name:		Telephone:
Address:		
City:	State:	Zip Code:
Email:		
What is your relationship to this person:		

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SECTION III – Incident Description
Date of the alleged discrimination (Month/Day/Year):
Location of the alleged discrimination:
Which of the following best describes the reason you believe the discrimination occurred: Race/color (<i>Specify</i>) National Origin (<i>Specify</i>)
Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons, program and/or services involved. <i>Use the back of this form or separate pages if additional space is required.</i>
SECTION IV- Incident Information
Please list any and all witnesses' names and phone numbers/contact information. <i>Use the back of this form or separate pages if additional space is required.</i>
Have you discussed your complaint with anyone within the City of Mesa? Yes No If yes, provide name(s) and position(s):
Have you filed your complaint with a federal, state, or local agency; or with a federal or state court? Yes No If yes, provide agency name and date filed:

You may attach any written materials or other information you think is relevant to your complaint.

Signature and date are required below:

I affirm that the above is true to the best of my knowledge, information and belief.

Complainant's Signature

Date _____

Filing this complaint with the City of Mesa Title VI Coordinator does not prevent you from filing a complaint with the Federal Agency providing funding to the party against which a complaint is being lodged. For additional information on location of state and federal offices contact the Title VI Coordinator at 480-644-5034 or send a request to the Diversity Office at diversity.info@mesaaz.gov.

Complaint Log

Should a complaint be received, the following information will be collected and reported as seen below. If no investigations, lawsuits, or complaints were filed, the City will report at such.

Description/ Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin, or disability)	Status	Action(s) Taken (Final findings?)
Investigations				
1)				
2)				
Lawsuits				
1)				
2)				
Complaints				
1)				
2)				

Public Participation

The City of Mesa will seek out and consider the viewpoints of minority and low-income populations while engaging the public. The City will engage the public in its planning and decision-making process, as well as its marketing and outreach activities. Mesa's public involvement process aims to give the public ample opportunities for early and continuing participation in critical projects, plans and decisions, and to provide full public access to key decisions. The City will use the Title VI Notice to the Public to inform of the protections provided by Title VI and related statutes. An example of the non-discrimination notice is provided in Appendix A.

The City has developed extensive resources and best practices to ensure that the public is meaningfully involved in the decisions it makes, as such involvement is critical to the implementation of the Title VI program. Some of the City community outreach efforts include:

- [Mesa City Council](#): The Mesa City Council provides a forum for public input and education during posted meetings and events to assure community-based plans, projects and issues, meet all Federal and other guidelines for public involvement.
- [Transportation Advisory Board](#): The Transportation Advisory Board provides a forum for public hearings and other public involvement mechanisms to assure community-based transportation plans, projects and issues, and to meet all Federal and other guidelines for public involvement in transportation projects.
- [Mesa Now Newsroom](#): With a focus aimed at the residents, businesses and visitors of Mesa, the staff at Mesa Now Newsroom produce a variety of programs that keep its viewers well-informed about the current events around Mesa. Shows like Mesa Now, Mesa 11 On Demand, Covering Mesa and extensive live coverage of City Council meetings, are all produced with that goal in mind.
- [Mesa Open Data Portal](#): Mesa's Open Data program is focused on providing the data behind the key indicators and trends related to our City's strategic goals. Available data sets show trends through GIS or map visuals and include the tabular data for citizen accountability.
- [Mesa CityLink App](#): With the Mesa CityLink smart phone app users are able to select from a variety of issues to report areas that may need attention. The Mesa CityLink app guides the user through a few questions about the item being reported and then prompts the user to take a picture to submit along with the request. The Mesa CityLink app also automatically collects the location of the request using the smart phones built in GPS so crews can be dispatched to the exact location.
- [Geographic Information System \(GIS\) Data Maps](#): Mesa makes available to the public several sources of Geographic Information (GIS) data used in the planning process. GIS technology provides planning and zoning underlay maps which include project data on the City's website.

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- **Advertisements of Public Hearings:** Public hearings are held for capital improvement projects, light rail and bus route changes. Advertisements are published on the home page of Mesaaz.gov, Mesanow.org, Twitter and the Channel 11 bulletin board, as well as released to a variety of news organizations and Medias. Copies of the press releases can be made available in Spanish.

The City will continually assess its communications and public involvement strategies and will employ best practices that foster meaningful involvement by traditionally underrepresented persons. Current best practices for public involvement are described below, which identifies the key considerations for engaging the public.

- *Transparency:* Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.
- *Value of Input:* Community members have a right to be involved in decisions that affect them. Participants can influence decision-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.
- *Early Involvement:* Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of City policies, programs, and projects.
- *Accessibility to Community:* The public involvement process works to identify, reach out to and encourage participation of the community in its full diversity. A strong effort is made to accommodate diverse needs, backgrounds and challenges.
- *Accountability:* City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.
- *Leadership Initiative:* Community engagement is listed as one of five areas of focus identified by Mesa's Mayor and Council. City departments must use a strong emphasis on community engagement to build pride in Mesa, encourage and develops a wide range of civic and neighborhood leadership, involve non-profits, faith-based organizations, community youth and volunteers, and maximize direct communications with residents using a variety of tools and technology.

Virtual Public Involvement

Virtual public involvement (VPI) helps to provide full, fair, and meaningful opportunities for participation, including participation by minority and low-income populations. Measures are implemented to ensure accommodations are provided to non-English speakers and participants with disabilities. Additionally, technology has made it possible to provide project information to interested parties throughout the public timeline. Benefits of VPI for the public and organization:

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- *Efficiency and Low Cost:* Virtual tools and platforms can efficiently be made accessible to communities, many at a lower cost than traditional public engagement methods.
- *Accelerated Project Delivery:* Robust public engagement helps identify issues early in the project planning process, which reduces the need to revisit decisions.
- *Communication and Collaboration:* Virtual public involvement can aid in establishing a common vision for transportation and ensure the opinions and needs of the public are understood and considered during transportation planning and project development.
- *Expanded Engagement:* Virtual tools include stakeholders who do not participate in traditional approaches to public involvement. Greater engagement can improve project quality.

The following are examples of successful virtual public involvement techniques that the City utilizes:

- *Social Media:* Social media has become a cornerstone of effective communication. Facebook, Nextdoor and Twitter may be used for online project communication including notifications of project updates, events, live streaming public meetings, construction disruptions, project milestones, or exciting project photos. Stakeholders may be willing to share project updates on their own social media sites. Social media provides a low-cost opportunity to keep the dialogue about a project or issue current. It is important to ensure that posts are up to date; keep in mind that this outreach tool is only reaching those with access to the internet.
- *Radio and Television:* Radio and television are powerful media sources that capture a wide audience. Interviews on news programs are an effective way to deliver project information. Additionally, radio can be used as a method of announcing meetings, workshops, and project milestones.
- *Electronic Surveys and Polling:* Electronic surveys allow the public to provide valuable input on a specific set of questions without requiring them to attend a public informational meeting or hearing. On top of a number of other uses, surveys can be used to develop community profiles and help determine regional priorities and concerns. Interactive electronic polling allows participants to respond to a series of questions in real time using a handheld electronic device. The service can register participants' responses and project them graphically on a screen, providing an opportunity for engaging discussion and instantly capturing public opinions.
- *Virtual Public Meetings:* Virtual public meetings offer stakeholders a way to take part in the planning process without traveling to a meeting location, such as a school or conference center. Stakeholders may join the meeting via teleconference, or by using online meeting software they access from their own computers or from a computer available in public locations, like a local library. In some formats, attendees at virtual town halls can engage in live polling and other dynamic information-sharing or listen to a simulcast in a language other than English.

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- *Website/Webpages:* Project websites and/or webpages are increasingly being used as a communication tool in transportation project and provide 24-hour electronic access to information, and a 24- hour opportunity to comment. Websites are useful for tracking public interest through traffic tracking and analysis tools and provide a platform for conducting surveys and polls.

While under normal circumstances VPI is intended to supplement traditional public involvement methods, certain situations may lead to VPI as the primary method for public involvement. These circumstances may include:

- Duration of/in the aftermath of an officially declared national disaster or pandemic.
- State of Federal Executive Orders suspending open meetings or otherwise temporarily impacting the ability to hold public gatherings or making physical copies of documents difficult to access.

VPI tools also help to reach and target underserved people and communities that will be affected by a given program or project. Strategies for reaching underserved communities include:

- Partnering with community organizations to disseminate information. For example, local food banks could include a project flyer with a comment form when they distribute food or other items. Community organizations can share communications in newsletters, social media and on websites.
- Making virtual meeting transcripts and presentations available by mail. In news releases, include a statement that provides direction to obtain the materials.
- In areas with poor Internet and broadband service and/or use, develop a multi-faceted strategy that uses mailings, community organizations, social media, and telephone outreach.
- Determine if documents and presentations need translation in advance of their release. Use the EPA's EJ Screen mapping tool's language filter to determine needs: <https://www.epa.gov/ejscreen>.

LIMITED ENGLISH PROFICIENCY

A person with limited English proficiency (LEP) is one who does not speak English as her or his primary language and has a limited ability to read, write, speak or understand English. It is the policy of the City of Mesa to ensure that LEP persons have full access to its programs, services and activities. The City recognizes that language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding other information provided by its programs and activities. For purposes of this plan translation refers to translating written communication and interpretation refers to interpreting spoken communication.

The City of Mesa concurs with the findings and analysis of the regional LEP study conducted by the City of Phoenix, which included Mesa, and that one third of the Phoenix Metropolitan Area population speaks Spanish or some other language other than English as a primary language, and 12 percent of the population speaks no English or limited English. Given these statistics, it was determined that the City of Mesa has a significant obligation to provide LEP services. Below are the results of the study conducted by the City of Phoenix regarding the need for the implementation of an LEP Plan.

In the Phoenix Metropolitan Area, there are 40 different languages spoken in households where English is not the predominate language. Sixty eight percent of the population speaks English as a primary language and 27 percent of the population speaks Spanish as the primary language. The remaining five percent of the population represents 39 different languages as the primary language, but each language spoken represents less than one percent of the entire regional population. Twelve percent of the service area population represents LEP residents that do not speak English or do not speak English well.

The City of Mesa's LEP policy is intended to ensure that all people, regardless of their proficiency in English, have meaningful access to the benefits of municipal programs and services. Persons interacting with the City should be notified in their language about the availability of language assistance and critical service information. City departments should assess the language proficiency of the persons to be served in determining how to provide meaningful access to their services, programs and activities. Additionally, each department should identify which documents (if any) are vital to the public's interaction with that department and translate those documents.

In making translation decisions, the following factors should be considered:

1. How many LEP individuals live in the service area or municipality?
2. The frequency with which LEP individuals come in contact with or try to access the program, service or activity.
3. The nature and importance of the program, service or activity.
4. Available resources and costs.

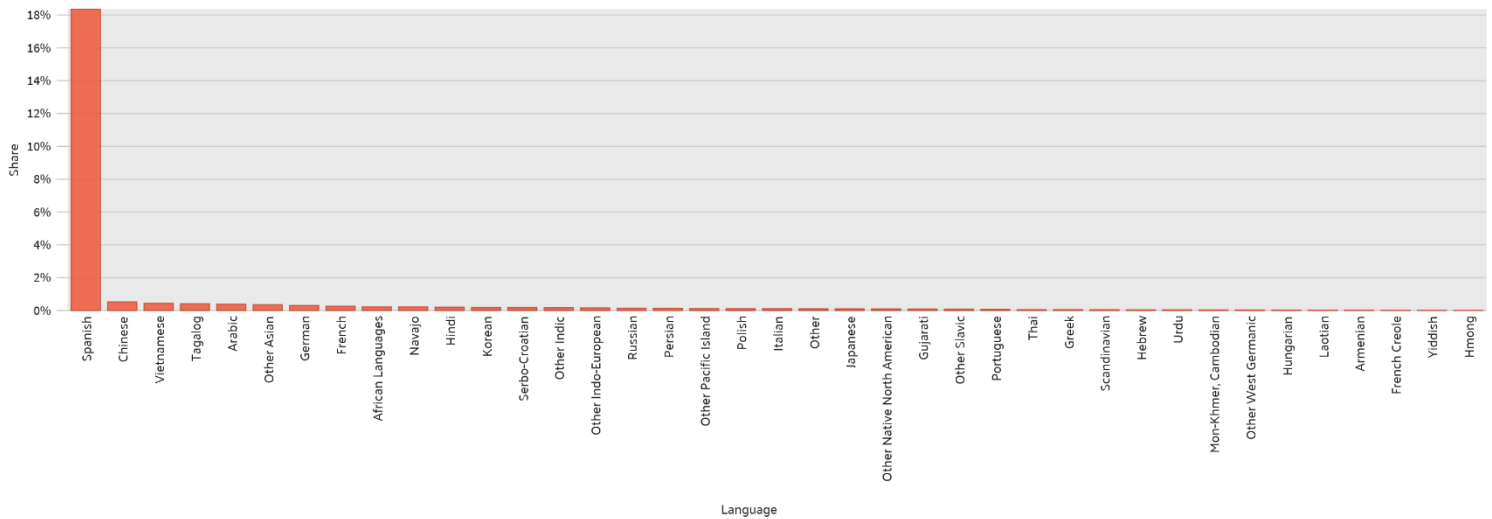
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For the City of Mesa as a whole, the following four-factor analysis can be considered:

1. Based on Mesa's population, located within Maricopa County, Spanish has been identified as the highest LEP language and thus most likely to be encountered. The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

Non-English Speakers in Maricopa County, Az

The closest comparable data for the county of Maricopa County, AZ is from the state of Arizona.



Dataset: ACS 5-year Estimate and ACS 1-year Estimate
Source: Census Bureau

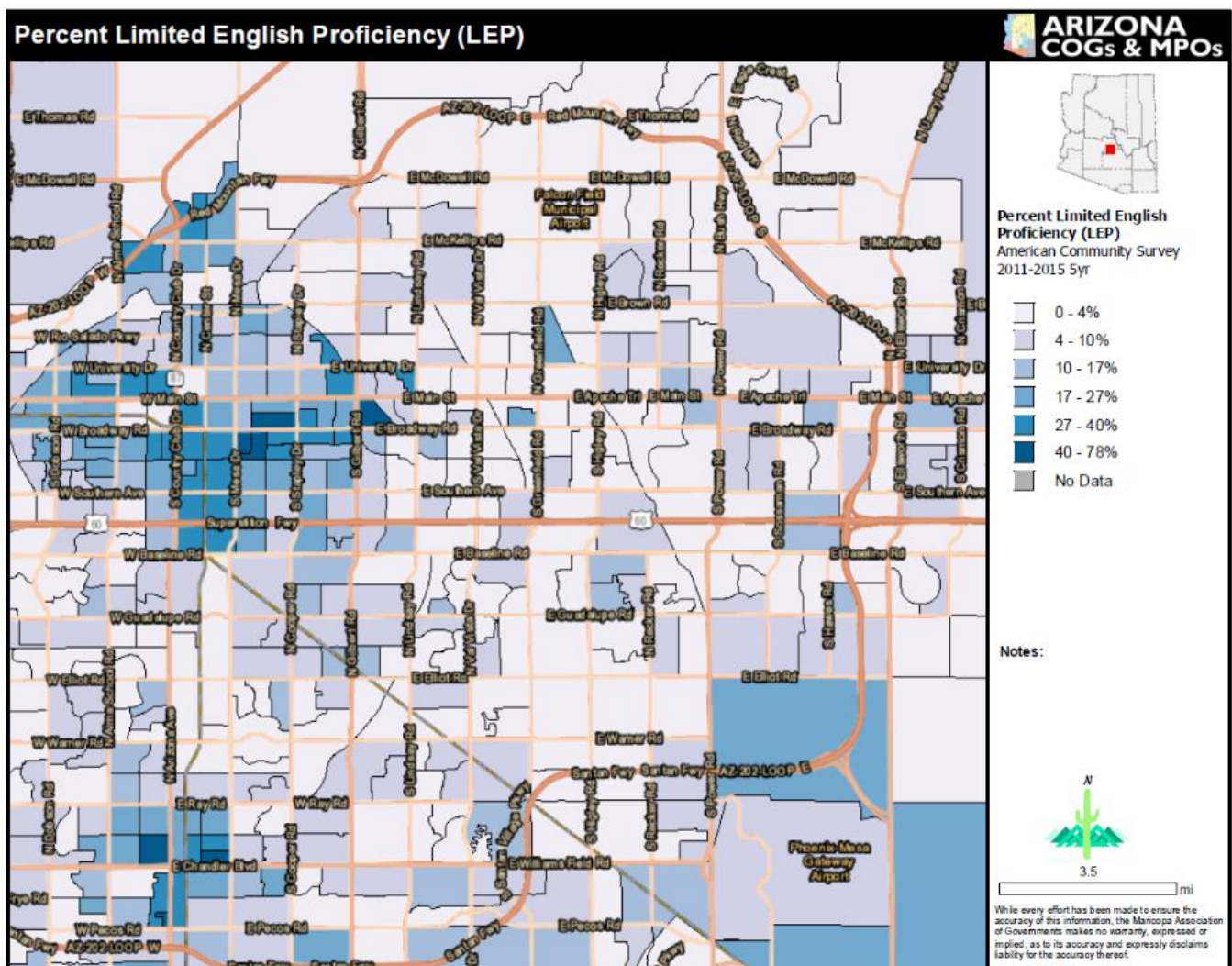
2. The frequency with which staff have or could have contact with LEP persons will be analyzed by talking with staff and assessing the lack of complaints from LEP consumers (not assumed to necessarily correspond to lower incident of program contact), and by reviewing customer complaints in our City.
3. Mesa has identified program, activities or services related to safety, public transit, rights-of-way, environment, nondiscrimination, public involvement and communication are among the most important with regards to making translation decisions.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. Mesa will strive to provide alternative but meaningful accessibility to all LEP populations. Moreover, Mesa will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

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4. Mesa makes every effort to make its programs, services and activities accessible to LEP individuals. Mesa will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, Mesa will ensure that when requested, interpretation services will be provided free of cost, regardless of the language, when requested within reasonable notice.

All City staff have access to a contractor that can provide telephonic, written and in person meeting translation and interpretation services. The City will monitor the services provided and update the translation and interpretation service contract as needed. *Mesa's Translation and Interpretive Services Guide* and the instructions to access translation and interpretation services are found in Appendix D. The Guide should be used in evaluating what services are reasonably necessary to provide meaningful access for LEP persons. Additionally, throughout the City website there is an option to translate the information in the top five spoken languages in Mesa (see Appendix E for reference).



SOCIAL EQUITY & ENVIRONMENTAL JUSTICE

The City of Mesa is committed to ensuring that programs and plans meet the needs of all people to the maximum extent possible and avoid disproportionately high and adverse human health or environmental effects, including social and economic effects, on Title VI protected populations. The following fundamental principles will be recognized to meet these goals:

- To knowingly avoid, minimize, or mitigate disproportionately high and/or adverse human health or environmental effects, including social and economic, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Though it is recognized that much of the specific evaluation for Environmental Justice (EJ) issues will occur at the specific project-level planning phase, techniques will be outlined as to identify the risk of discrimination so that positive corrective action can be taken and to serve as a building block in subsequent decision making and analysis. Title VI staff will function in its role to work with departments in addressing EJ issues that may occur as part of federally funded project development activities.

These mitigating measures will include:

- Identification of those areas within the City that contain higher than average concentrations of socio-economic groups, including low-income and minority populations as covered by the EJ and Title VI provisions, when compared to Mesa as a whole.
- Analysis of any disproportionately high and adverse impacts to different socio-economic groups. This can be done by comparing the plan impacts on the minority, low-income, senior, disabled and other populations with respect to the impacts on the overall population within Mesa. GIS mapping can be used to overlay the locations of the transportation projects upon the EJ neighborhood map so that comparisons could be made between the distributions of projects across the two community types (EJ vs. non-EJ).
- Evaluation of mitigation measures that could be considered to address adverse impacts, including avoidance, minimization, and opportunities to enhance communities and neighborhoods.
- Overview of the public participation process and efforts made to ensure that all groups within have been involved in the decision-making or project information process through an effective and thorough public participation effort.

APPENDIX A



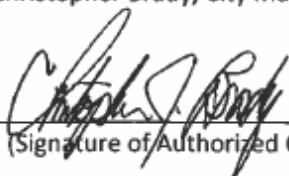
TITLE VI POLICY STATEMENT

The City of Mesa operates without regard to race, color, national origin, income status, sex, age or disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations, including Title II of the ADA. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin. The City of Mesa strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. To help ensure access to City programs, services and activities, the City will provide translations, will reasonably modify policies and procedures and will provide auxiliary aids or alternative formats to persons with disabilities.

As a sub recipient of federal funding, The City of Mesa is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by the U.S. Department of Justice per 28 Code of Federal Regulations (CFR) § 42.401 et seq. and 28 CFR § 50.3.

Should the City of Mesa distribute Federal-aid funds to another entity/person, Mesa will ensure all sub recipients fully comply with Mesa's Title VI Nondiscrimination Program requirements. The City Manager has delegated the authority to Andrea Alicoate, Title VI Program Coordinator, to oversee and implement Title VI requirements.

City of Mesa
Christopher Brady, City Manager

by 
(Signature of Authorized Official)

DATED 7/14/21

APPENDIX B



CITY OF MESA TITLE VI NOTICE TO THE PUBLIC & ADA POLICY STATEMENT

The City of Mesa operates programs, services and activities without regard to race, color, national origin, age, sex, disability, low income status or limited English proficiency (LEP) to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related statutes and regulations. These federal statutes require that no person shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program, service or activity.

Any person who believes they have been aggrieved by an unlawful discriminatory practice may file a complaint with the City of Mesa's Diversity Office. For accommodations, translations, to file a complaint or additional information, contact the Title VI/ADA Coordinator.

AVISO PÚBLICO DE LA CIUDAD DE MESA DECLARACIÓN DEL TÍTULO VI Y POLÍTICA DE ADA

La Ciudad de Mesa opera programas, servicios y actividades sin distinción de raza, color, origen nacional, edad, sexo, discapacidad, situación de bajos ingresos o dominio limitado del inglés (Limited English proficiency, LEP), para garantizar el pleno cumplimiento con el Título VI de la Ley de Derechos Civiles de 1964, Título II de la Ley de Americanos con Discapacidades (ADA) de 1990, y otras leyes y reglamentos relacionados. Estas leyes federales requieren que ninguna persona pueda ser excluida de participar en, ni que se le nieguen los beneficios o, de otra manera, ser objeto de discriminación en los programas, servicios o actividades de la Ciudad de Mesa.

Toda persona que crea que ha sido agraviada por una práctica discriminatoria ilegal, puede presentar una queja ante la Oficina de Diversidad de la Ciudad de Mesa. Para adaptaciones, servicios de traducción, presentar una queja o información adicional, comuníquese con el Coordinador del Título VI/ADA.

ANDREA ALICOATE

Title VI Coordinator

480.644.5034

Fax 480.644.4322

andrea.alicoate@mesaaz.gov

CITY OF MESA DIVERSITY OFFICE

20 E. Main St., Ste. 250

PO Box 1466

Mesa, AZ 85211

www.mesaaz.gov



APPENDIX C

FHWA Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 as they relate to any Federal Highway Administration program or activity administered by the **City of Mesa**, its subrecipients, consultants and contractors. In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination.

Required procedures for FHWA Title VI Complaints filed against the **City of Mesa**, the **City of Mesa's** subrecipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with the **City of Mesa**. A copy of the Complaint Form may be accessed electronically at: [LINK](#)
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the **City of Mesa** and provide the allegations by telephone for transcription. Once transcribed the **City of Mesa** will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint (e.g., race, color, national origin);
 - d. The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of the **City of Mesa** and
 - f. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, the **City of Mesa** will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
6. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
7. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
8. If the FHWA Office of Civil Rights determines a Title VI complaint against a subrecipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
9. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.
10. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration by contacting the agencies at:

ADOT Civil Rights Office
206 S. 17th Avenue, Mail Drop 155A
Phoenix, AZ 85007
Email: civilrightsoffice@azdot.gov
602.712.8946
602.239.6257 FAX

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email: CivilRights.FHWA@dot.gov
202-366-0693
202-366-1599 FAX



APPENDIX D

City of Mesa

Translation & Interpretation Services Guide

Action: In accordance with the Civil Rights Act of 1964 and other related statutes, the City of Mesa is committed to providing timely and meaningful access to services for persons with Limited English Proficiency (LEP) in the language they are most comfortable communicating with. LEP persons are those who have a limited ability to speak, read, write or understand the English language at a level that permits effective interaction with City staff. In the event that LEP persons are identified, City staff will make reasonable accommodations to communicate with those individuals in the language requested.

Analysis: Determination of what LEP services are necessary should be based on the needs of the individual or residents to be served, as well as a baseline analysis of what languages are spoken by the LEP population. For the City of Mesa as a whole, Spanish has been identified as an LEP language. Each department should identify what documents are vital for the public to interact with their business model and have those available in a Spanish format.

Other languages may be deemed significant if requested by an individual, or if known to be greater than 5% or 1,000 persons to be served (whichever is less) within a designated area or boundary. To help identify this need, use the [Arizona State Demographic Viewer](#) for information on the targeted area.

Access: Each department should develop a plan to provide meaningful access to its services for LEP populations. The following elements should be considered for inclusion by each department:

1. Translation refers to written communication, while interpretation is spoken communication. Train staff how to identify the specific language request to ensure that we are meeting the needs of the resident.
2. Develop a list of vital documents that require translation, as well as a set of criteria to determine what future documents will require translation. Vital documents generally include all documents that describe overall programs, benefits, fees or penalties. PDF documents or forms on web pages should also be identified, as they cannot be translated using the web translation feature.
3. For all other publications and forms that are not already provided in Spanish or alternate formats, include the City's inclusion statement:

The City of Mesa is committed to making its programs and services accessible. For accommodations, such as braille, large print, or translation, please contact XXX at the City of Mesa, (480) 644-XXX or XXXX@mesaaz.gov, or AzRelay 7-1-1 for those who are deaf or hard of hearing.

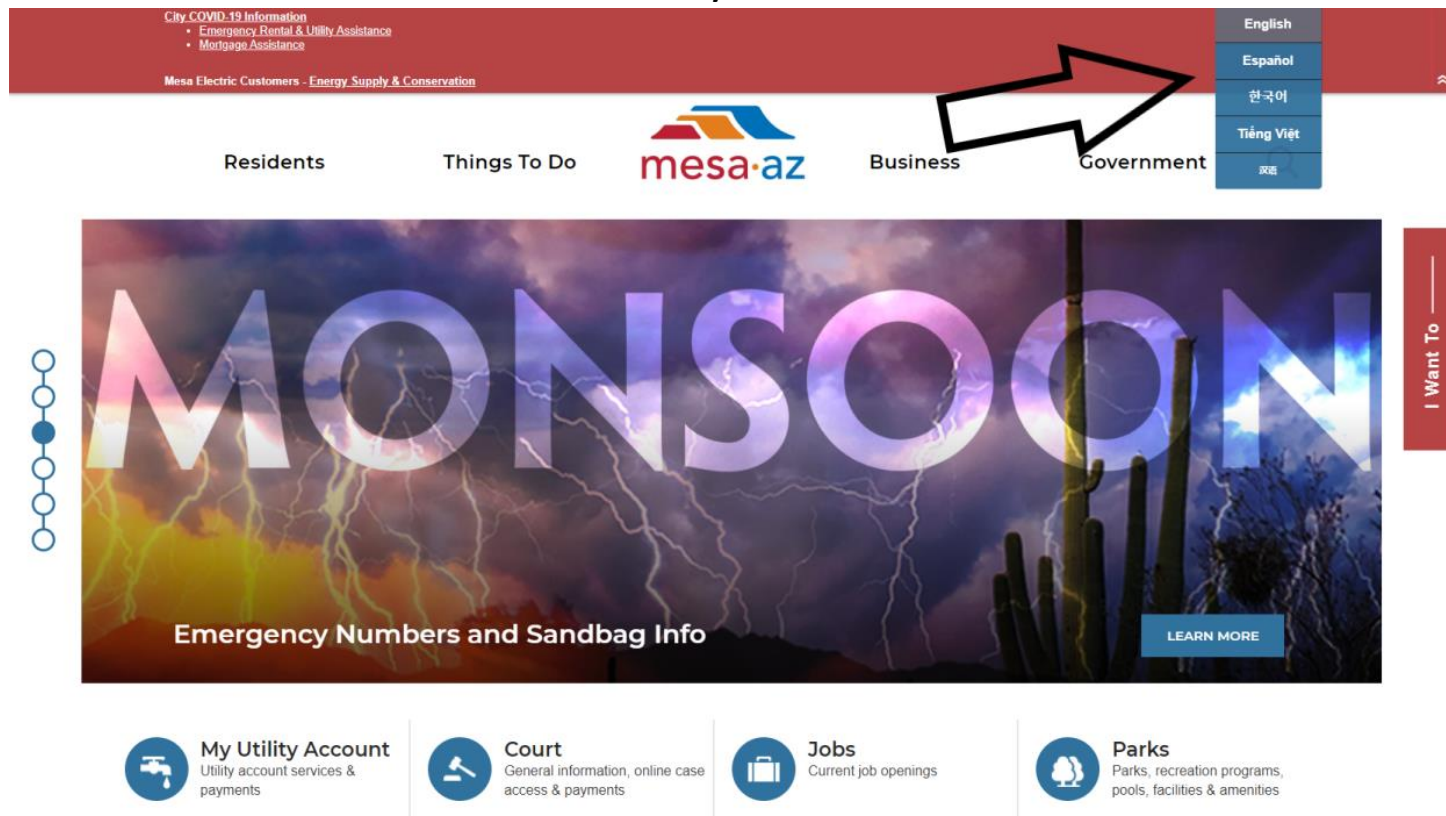
(The contact information should be the person in your department that can provide the translation or access to language services.)

Note: This statement should be included on all formal advisory board, subcommittee, public hearing/forum, agendas or other related promotional material.

4. Distribute the list of staff receiving bilingual pay within your department and train staff how to use the vendor reference list. Provide instructions and billing numbers to staff who are asked to provide quality assurance or communication assistance.
5. For in-person contact by LEP speakers, use the '[I Speak](#)' language chart to help identify what languages an LEP person speaks. These should be located wherever the public has access to customer service staff to help identify what languages an LEP person speaks. This tool can provide information to City staff when in-person interpretation is necessary.
6. For significant public meetings, establish a system for providing translation services using the City's translation and interpretation service vendor listing. Clearly notify the public about the availability of translation and interpretation on agendas, meeting notices or any other publication. Plan to provide interpretation services for meetings that are expected to draw LEP Spanish speakers.
7. When updating any department literature or publications, consider images and language that conveys information for persons with low literacy.
8. Should a complaint be made regarding services or information not being provided in an alternative format, direct residents to the Title VI Liaison for your department or the [Civil Rights Protections](#) page on the City's website.

APPENDIX E

Translation Availability for Web Documents



Example of website translated into Vietnamese, 3rd most used language in Mesa.

